

MINUTES

P & Z COMMISSION HEARING December 19, 2002

ATTENDANCE P & Z Commissioners

ATTENDED

1. John Dalton, Chairman
2. Frank Damato
3. Wendell DeCross
4. Claire Heywood
5. Jon Olson
6. Gary Nelson
7. Roy Solomon
8. Drew Shumway

ABSENT

Tommy Joe

Staff Attendance

1. Lissa Davis, Planner II
2. Lance Payette, Deputy County Attorney
3. Richard Young, Deputy Director of Public Works
4. David Ashton, Director of Development Services
5. Mary Bradley, Secretary

Meeting held at the Board of Supervisors Chambers, Holbrook, Arizona - Time 6:00 p.m.

John Dalton called the meeting of the Navajo County Planning & Zoning Commission to order, and explained the meeting procedures to the public. Mr. John Dalton then led the Pledge of Allegiance

Item #1 **SPECIAL DEVELOPMENT/ ZONE CHANGE:** Continued discussion and possible Commission action on a request by **Steve Lillie** to approve the Master Development Site Plan for the subject parcel (11.8 acres) for a proposed mixed use residential/commercial development. APN: 206-27-014F in T12N, R17E, Section 33 of the Gila and Salt River Meridian, the Heber/Overgaard area. **Lissa Davis** said that this is a re-visitation of a Zone Change and Master Development Site Plan that was heard last month. Ms. Davis said that there were some questions regarding the interpretation of code. Since Mr. Ashton was unable to be with us last month he will address those issues. Ms. Davis informed the commission that Development Services had added additional stipulations and these are different than the ones included in their staff report. **Dave Ashton** said there was some concern regarding the flooding and drainage issue going into Okalahoma Flats. Mr. Ashton explained that this is not all coming from this property. Mr. Ashton said they have a drainage plan that is complete for the site. Another concern was it being too dense for the 12 acres. Mr. Ashton explained in the 12 acres site you could have 150 or more apartments (possibly 3-stories apartments). This site plan limits this to one-story units. It was mentioned in the meeting if the sewer ran on Zane Grey it will have to go over the golf course. Mr. Ashton said that it was mentioned in the meeting that it would have to be constructed at the developers expense and the road would have to be brought up to present dirt standards. Another concern was the fence and the contractor is willing to do the North and West side. Mr. Ashton said that on Lot 85 the road would be the second emergency egress. The height would be one story with a loft. Mr. Ashton said that the multiple-family housing with the 8-Plex units would be two stories. Mr. Ashton said what the developer would do in Phase I is the fencing, sewer, drainage and the roads. Mr. Ashton explained why he steered the applicant to Special Development Zoning with a conceptual plan. Mr. Ashton said that he felt this would give the county more control, monitoring and supervising the review for the whole site. Mr. Ashton showed on the map where the 5 on-site ponds are located. Mr. Ashton also showed on the map the location of the flood plain and the

flood way in Oklahoma Flats. Mr. Ashton said that you couldn't put a septic in a floodway. **No public came forward to speak in favor of this project.** **Sandra Webb** spoke in opposition to this project. Ms. Webb said that as members of the Home Owners Association they are not against the development. Ms. Webb said the increase in density would have a direct impact on them. Ms. Webb stated that the roads in this area are privately maintained and that there are 20 people that are incurring the cost to maintain these roads. Ms. Webb went on to say that this would put a major stress on their development. Ms. Webb passed around pictures of their development to the commission (some of the pictures showed flooding). Ms. Webb expressed concern with the drainage, flow, flooding, erosion and traffic. **Richard Young** is the Deputy Director of Public Works. Mr. Young stated that Zane Grey is not a privately maintained road, but a primitive road maintained by the county. Mr. Young said that the applicant is applying an emergency access to a publicly maintained road. Mr. Young explained the drainage principle to the commission. Mr. Young went over each stipulations from the Public Works Department. **1. All of the requirements of the Regulations shall be met including the granting of variances as detailed in Section 4.12, and the observation and certification of the construction by the designated Engineer-of-Record per Sections 7.6 and 8.11. 2. The Developer shall financially assure the completion of all the infrastructure improvements as part of Phase I. 3. The Developer shall address the impact of the traffic on the surroundings and should either demonstrate that there is no significant impact or should provide for mitigation of the impacts. 4. The Developer should establish a County Improvement District per Title 48, Chapter 6, Arizona Revised Statutes, to provide the mechanism to improve the roads in the future if they are to be dedicated to the public or publicly maintained. 5. The incorporation documents for the homeowners' association or the CC&R's shall include the inspection and maintenance plans for the common areas per Sections 3.5, 4.4A8, 6.8A3, and 6.16A. 6. Developer shall post a copy of the NPDES NOI on the job site as required by the Arizona General Permit.** **Steve Lillie** is the applicant and said that the Special Development Zone Change would work out better for the entire project. Mr. Lillie said that the common area would be available for everyone to enjoy. Mr. Lillie showed the commission pictures of what they did have going there prior to the fire, and reminded the commission they went over the problem of the drainage issue at the last meeting. Mr. Lillie indicated that the ponds are designed to retain the on-site water, and were designed to have zero increase in the discharge rate for their development prior to the fire. Mr. Lillie said now they have four 8-plexes verses the five 4-plexes. Mr. Lillie did acknowledge that there would be more additional water flow. Mr. Lillie said that the density is approved under the current Commercial Residential zoning, and they have an approved set of plans to build 39 cabins, five 4-plexes and are adding additional 12 units total for the entire project. Mr. Lillie said that this is for the condominiums only. Mr. Lillie addressed the pictures that were given to the commission from Sandra Webb. Mr. Lillie said they have a 100 to 150 cubic feet flow portion that drains through their property and heads to Elk Pines RV. Mr. Lillie said that they are addressing this (Elks Pines RV Park) with a channel that will hold the flow. Mr. Lillie explained that because of the fire all that they can do can is direct the extra water through their property down to Oklahoma Flats and beyond and retain their own water. Mr. Lillie explained that on the emergency secondary access, there would be no direct access onto Lot 85 (egress area). Mr. Lillie also said that there would be no additional traffic flow in the Pine Meadows Subdivision. **Jon Olson** asked staff why the Public Works comments were not included in the staff report and if the developer received a copy of their comments (Mr. Olson said that he had to call Richard Young and asked him to e-mail him a copy of Public Works comments). Mr. Olson asked about a subdivision having two points of ingress and egress. Mr. Olson expressed concern if the commission approved this and the developer comes back with a tentative plat and the commission wants to make changes then they are locked into it. Mr. Olson said that he spoke with our attorney about having some type of wording saying this is conceptual plan. Mr. Olson had concerns with the roads not meeting county standards, traffic impact analysis, drainage, and two points of ingress/egress. Mr. Olson asked that the developer meet these issues prior to tentative plat. **Dave Ashton** said that the two points of ingress/egress could be added as a stipulation. Mr. Ashton said that our attorney Lance Payette had suggested a stipulation such as: a general approval of the site plan and should not be construed as a waiver of any requirements for the applicable subdivision regulations. Mr. Ashton said that they could stipulate that this is a conceptual plan and have the developer come back in with these studies to approve the Final Master Plan. **Frank Damato** said that in addition to the density he feels that there should be two ingress/egress accesses off of State Hwy. U.S. 60. **John Dalton** agreed with Mr. Olson that some type of conceptual stipulation is needed and that there should be two ingress/egress accesses. A motion was made by **Gary Nelson** to approve the Zone Change and the Conceptual Master Development Site with the following stipulations. **RECOMMENDED STIPULATIONS:**

1. Before the Final Plat for Phase I is recorded, the Developer shall financially assure completion of the infrastructure by securing a performance bond or shall complete the work according to approved designs and with review by the Public Works Department. 2. All of the requirements of the Navajo County Subdivision

Regulations shall be met, including the granting of requested variances and the observation and certification of the construction by the designated Engineer-of-Record. 3. The Developer shall address the impact of the traffic on the surroundings and shall either demonstrate that there is no significant impact or provide for the mitigation of the impacts. 4. The Developer shall establish a County Improvement District to provide the mechanism for improving the roads in the future if they are to be dedicated to the public or publicly maintained. 5. The incorporation documents for the Homeowners Association and the Covenants, Conditions and Restrictions shall include provisions for the inspection and maintenance of the common areas and drainage facilities. 6. The Developer shall post a copy of the Notice of Intent on the job site as required by the Arizona General Permit for Storm Water Pollution Plan. 7. The Tentative Plat for Phase 1 shall be submitted to the Commission within twelve months after the Board of Supervisors' approval of the Zone Change to Special Development. 8. Approval of the Conceptual Master Development Site Plan does not constitute a waiver of any changes, which may be required as a result of transportation or drainage studies. 9. A second access road should be established. **Roy Solomon** seconded the motion. Motion carried with **Claire Heywood, Drew Shumway, Jon Olson, John Dalton, Gary Nelson, Frank Damato and Roy Solomon** voting in favor of the motion. **Wendell DeCross** voted against the motion. Motion carried.

Item #2 Zone Change & Master Development Site Plan: Continued discussion and possible commission action on a request by **Steve Kohner** to approve the Master Development Site Plan and to change the Zoning Classification of subject parcel (161.43 acres) from A-General Zoning District to Special Development Zoning District for the proposed residential/commercial development. APN: 212-05-007A and B, T9N – R22E - Section 8, the Wagon Wheel area. **Lissa Davis** explained that this is another re-visitation of the Zone Change & Master Development Site Plan. Ms. Davis gave a history of the project and presented maps showing the general area and the site. The County and the Developer said that there had been a couple of meetings with the developer's agent and engineers regarding the project. Ms. Davis said that a new site plan was submitted and the commission was provided with a copy. Ms. Davis commented that the City of Show Low expressed concern with the treatment of Rim Road, and that the County and the Developer had a couple of meetings with the City of Show Low, and the situation had been ironed out. Staff is recommending approval with stipulations. **Dave Ashton** showed on the map the layout of Rim Road. Mr. Ashton addressed the concerns from the public from the previous meeting. The developer has come up with a workable solution on Rim Road as shown on the plan. The setbacks are shown on the conceptual plan that comes with Special Development (the developer could ask for different setbacks as long as they state their reasons and the justification for it). Mr. Ashton said that one or two stories were discussed and Development Services normally allow 2 stories for a typical dwelling. Mr. Ashton stated that in single-family residential there could be two-stories anyway. On the roadways the dimensions would be required for the layout for Phase 1 for the entire site. Open spaces and walkways would come in with the condo plats and any changes would require an amendment to the conceptual plan when they get to that point. A drainage report for the complete site would be required at Phase 1 as well a Traffic Analysis Study. A gated exit is shown on the plan. Mr. Ashton went over the stipulations. **No public came forward to speak in favor of this project.** **Ronald Monette** spoke in opposition and said that he lives on Wagon Wheel Lane. Mr. Monette voiced his concern with the high density and said that the developer should distribute the traffic flow to State Highway 260. **Hal Bartlett** spoke in opposition and said he resides on Clearfield and Crimson Oak. Mr. Bartlett said that he would like the developer to open up the northern emergency ingress and egress. **Judith Abend** asked for clarification on the commercial aspect on the mailed noticing to the public and the posted notice (**Lissa Davis** said that this was a typo error that she plagiarized off previous reports and it has been corrected). Ms. Abend said that these errors were continuous and it was also on the notices in September, October and this one. **Jason Moore** spoke in opposition and said that he is still concerned with the open spaces. Mr. Moore said what is going behind them will create about 400 housing units. Mr. Moore expressed concern if the connector went through, then there would be an increase in traffic. Mr. Moore expressed his doubts with the communication with the developer and Development Services. Mr. Moore said at the last meeting Ms. Davis said that Webb Road was not even in consideration for an access and the developer refutes this. **Patricia Shuey** spoke in opposition and said that she listened to Special Development Zone Change for Steve Lillie. Ms. Shuey said that was a 12-acre parcel with comments that they should have two roads for them coming in and out, whereas, this development has 160 acres with four roads. Ms. Shuey said that she has property right next to the development and had never received a notification. Ms. Shuey said that the meeting date for this meeting was scheduled for the December 21st and upon calling Development Services she learns that the meeting is actually on the 19th of December (**Lissa Davis** did acknowledge that she sent out the incorrect date for the December meeting. Ms. Davis said after this was called to her attention she resent the corrected notices the next day within the legal noticing time frame). **John Dalton** asked

our attorney Lance Payette if this was advertised incorrectly and if we had the meeting tonight, would this jeopardize the hearing? **Lance Payette** responded by saying that if Development Services had genuinely defective notices it could jeopardize the integrity of the whole process. **Tom Abend** spoke about the Regional Plan for Pinetop/Lakeside and Navajo County, which will come to the Board of Supervisors in about a month. Mr. Abend said this area is in a low density zone and this development would make it a high density area. **Angie Cather** also said that her notice said that the meeting was to be held on the 21st of December but she complied and called ahead and found out the meeting was on the 19th. Ms. Cather expressed concern when the roads are paved and they connect State Route 260 to State Route 60 it is a sure cut for trouble. **Larry Cross** asked about assurances that the road would not be developed. **John Murphy** said he is with the Company of Murphy Engineering and is representing Steve Kohner. Mr. Murphy went over the two major concerns that were raised. Concern #1: Traffic that might be generated from this Development on Webb Lane. Concern #2: The coordination with the Regional Transportation Plan of study and designation of a secondary road that would go through this area (showed on the map the area) and connect State Route 260 to State Route 60 South of Show Low. Mr. Murphy said that they had a meeting with the transportation committee to define their requirements for the bypass road. Mr. Murphy said after they received this information from the committee they took that information along with the concerns from the adjacent property owners and tried to develop a new plan that would have less impact on them (this plan is included in the commissioners packet). Mr. Murphy went into detail regarding this plan. Mr. Murphy explained that there is an arrangement for a road that would go through the development that would connect to State Route 60 through the Regional Transportation on the North side of the project. Mr. Murphy said that they routed the traffic down to the project and brought it out on to Wagon Wheel Lane. Mr. Murphy explained that the layout in the multi-family area that roadway would not be constructed. Therefore, there is no direct route onto Webb Lane other than a few homes (showed the few homes on the map) that abuts the existing subdivision. Mr. Murphy said that they would continue to use Rim Road South of the development down to Wagon Wheel Road. Mr. Murphy said that there were other issues regarding the drainage and he asked the commission that they be allowed to bring this in with the tentative plat for phase 1. Mr. Murphy said that they would do a complete Master Drainage and Traffic Impact Analysis for the entire development. Mr. Murphy said if they could get the zoning in place that gives the developer some assurance that he can develop the property. Mr. Murphy addressed the issue of the road and said that their development would not build that road, and if that road was to ever be constructed it would be constructed by some public entity. Mr. Murphy said that they have complied with requests not to have any direct access to the lots onto it with an exception. Mr. Murphy explained the exception. Mr. Murphy said that their average lot size is over a half of an acre and all the lots that abut the adjacent properties are all half-acre minimum. **Richard Young** said that the developer had met with Public Works and the City of Show Low and has come up with an arrangement to preserve the corridor for the future roadway. The intent of the Rim Road corridor is met with the street layout of the subdivision. Mr. Young explained the difference between having two exits on a 12-acre parcel versus two roadways required minimum for 160-acres. Public Works has recommended that a complete traffic impact analysis be conducted for this subdivision to identify the off site improvements that would be necessary. Mr. Young said that they are recommending that this occur before the first phase of the Tentative Plat is submitted. **John Dalton** said that the developer has done a pretty good job on the site plan. **Roy Solomon** said that he reviewed the stipulations set by staff and felt that staff had covered their bases as well as the developer addressing their concerns. **Wendell DeCross** said he would like to see the road remain open and not deeded to the City of Show Low. Mr. DeCross asked if Rim Road has a dedicated easement. **John Murphy** said that there is an easement in place. This came out to the Forest Service and that easement reserve 50 foot along the alignment of Rim Road to be used for the Rim Road Roadway. **Jon Olson** said that he would like the same conceptual wording as the previous item. A motion was made by **Wendell DeCross** to approve the Zone Change and the Conceptual Master Site Plan with the following stipulations: ***RECOMMENDED STIPULATIONS: 1. 1. A Traffic Impact Analysis (TIA) for the development and a Master Drainage Plan shall be submitted to and approved by the County Engineer's office before the first phase of the Tentative Plat is submitted to the Commission. 2. All required offsite improvements identified in the TIA or Master Drainage Plan shall be constructed or financially assured before the stage of the development is constructed that first requires the improvement. 3. All technical requirements of the Subdivision Regulations shall be met before approval of any Phase of the Tentative Plat constituting a subdivision. Variances shall be requested in accordance with Section 4.12 and justified. 4. Sufficient off-road drainage easements shall be made available to accommodate major drainage. 5. Drainage structures, including detention or retention ponds, shall be constructed with the earliest phase that they are warranted and before any other work occurs that may preclude their construction when needed. 6. The plan for replacing the Rim Road- Wagon Wheel Route should be submitted for inclusion in the White Mountain Regional Transportation Plan before the Tentative Plat is approved. A recommendation from***

the Regional Transportation Committee should be included with the Tentative Plat documents. 7. Developer may submit a request to extinguish the Rim Road easement through the Public Works Department to the Board of Supervisors before the Plat is submitted, or the easement shall be extinguished as part of the plat process. 8. The Developer must verify that the US Forest Service easements have been extinguished. 9. The Zone Change/Conceptual Master Site Plan approval is conditional upon the submittal of the Tentative Plat for Phase I to the Commission, along with the above stipulations, within 24 months of the date of approval by the Board of Supervisors. In the event all the above conditionals are not met, this approval shall be automatically revoked and the Zoning Classification shall revert back to A-General. This condition shall be conclusively deemed to have been satisfied unless the Board of Supervisors causes a notice of revocation to be recorded in the Office of the Navajo County Recorder within 30 days after the expiration of the 24-month period (or any extension thereof).

Jon Olson seconded the motion. Motion unanimously carried.

Item #3 **Discussion of possible changes in Article 17** – Special Development and Article 20, Section 2007 – Residential Planned Unit Development. **Dave Ashton** said that what they have is a proposal. Mr. Ashton had asked our attorney for verbiage to clean up Article 17. Mr. Ashton had included in the commission packets a copy of the e-mail composed by Mr. Payette entitled “Problems with Special Development Zoning”. Mr. Ashton indicated that Mr. Payette had initiated a draft of Article 17. **Lance Payette** said that Article 17 is confusing and when staff tries to apply it is very confusing. Mr. Payette said in the meeting with staff, Bill Cox and Supervisor Brownlow they talked about the Master Site Plan stage and with them dealing with a conceptual plan. Mr. Payette said that the things that you are worrying about knowing at this point is: what are the proposed uses, what is the over all density, what is the roads, traffic impact and the hydrology. Mr. Payette said at the conceptual plan stage you should have the traffic impact study and the hydrology report. There were some on the commission who like the revision of Article 17 and another commissioner who felt that the developers should not have to jump through all sort of hoops before he even knows if the concept is viable. Everyone agreed Article 17 was a start.

Item #4 **Discussion of uses in residential zoning districts**. **Lissa Davis** reminded the commission when they discussed tightening up the Special Use Permit they talked about having permitted uses and conditional uses in residential zone. Ms. Davis compiled a table that was sent earlier to the commission in their packet. Ms. Davis said if the commission would like to write down their comments and she would compile the results. Roy Solomon asked that the headings be continued on each page. The commission agreed that they as a commission should go down each item as whole and work together with staff at a later meeting.

Item #5 **Discussion of possible changes in Home Occupation criteria**. **Lissa Davis** asked the commission to look at home occupations and possibly beef it up. Ms. Davis gave examples such as a writing studio or a person who made pottery. Staff had suggested 10 items that they would suggest as criteria for a home occupation (this criteria was included in the commission’s packet). Jon Olson said that he would be more restrictive and cited signage, commercial traffic and commercial business being in a residential area. **Lance Payette** spoke about examples from other counties regarding home occupations. Mr. Payette advised the commission that this is dangerous situation by lumping all the home occupations into one category, since it can opens door the problems. The commission agreed that they should look at the criteria and the density for home occupation.

Wendell DeCross departed at 9:05 p.m.

Item #6 **Possible approval of November 21, 2002 Minutes**. A motion was made by Frank Damato to approve the minutes. Drew Shumway seconded the motion. Motion unanimously carried.

ITEM #7 Commissioners Comments and/or Directions to Staff. Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Development Services Department staff to study or provide additional information on topics of the Commissions choosing. Jon Olson complained about the inadequate information that the commission is receiving. Mr. Olson asked why staff is recommending approval when Public Works has major issues. Mr. Olson said that he felt that staff is passing the buck back to the commission. Mr. Olson said that staff needs to tell the developers they need to address the issues, and if they can’t meet the deadline or do not have all the information, then they will have to wait until the following month for the item to be heard. Mr. Olson also commented on the posting and the noticing to the public such as the misspelling, the wrong date on the hearing notice and the letters to the public. Mr. Olson said in the future that he

would like all the information up front instead of it being piece mailed to them. **Lance Payette** said that if adequate noticing is not given at this level then the hearing is void. Mr. Payette said that when it goes to the Board of Supervisors they don't even have jurisdiction to consider the matter. Mr. Payette said that if very important to proof read and pay attention to detail. **Frank Damato** said that this was an embarrassment to the commission. Mr. Damato reiterated Mr. Olson's comments about the incorrect dates, misspellings and not getting enough information from staff. Mr. Damato said that they shouldn't even been here tonight and felt that this issue should have been resolved last month. Mr. Damato spoke about the previous meeting in November. Mr. Damato said that he left feeling that the information given was inadequate and they left the developer in a quandary. Mr. Damato said that this is not a good reflection of the public of this commission. Mr. Damato said that he no longer wants to be embarrassed by dates, misspelling and incorrect information. Mr. Damato asked that the Public Works Department to be specific when the commission inquires if they may or may not do something. Mr. Damato went on to say that they want the Public Works Department take a position saying yes they can do this, or no they cannot, instead of going into a lengthy explanation without giving them the answers. **Drew Shumway** said that the mistaken meeting date was for a Saturday. **John Dalton** suggested that staff have a checklist of requirements that the applicant have done before they meet with the commission.

With there being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at 9:30 p.m. **Frank Damato** made a motion to adjourn. **Roy Solomon** seconded the motion. Motion unanimously carried. The Commission reserves the right to adjourn into an executive session when needed per 431.03(a)(3) for legal consultation on the above agenda items.

NOTE: a copy of the agenda background material provided to the Commission Members (with exception of material relating to possible executive sessions) is available for public inspection at the Development Services Office, Navajo County Complex, Holbrook, Arizona, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Approved this _____ day of _____, 2002.

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Development Services